






## SOUTH DAKOTA SUPREME COURT

Justices					
Confidence Score	Mild Republican	Mild Republican	Mild Republican	Mild Republican	Strong Republican
Opinion Partners		✓		✓	
Dissenting Minority					
Determining Majority					
Lone Dissenter					

- ▶ Number of justices: **5**
- ▶ Number of cases: **73**
- ▶ Percentage of cases with a unanimous ruling: **91.8% (87)**
- ▶ Justice most often writing the majority opinion: **Justice Jensen (18)**
- ▶ Per curiam decisions: **2**
- ▶ Concurring opinions: **3**
- ▶ Justice with most concurring opinions: **Justices Gilbertson, Kern, and Salter (1)**
- ▶ Dissenting opinions: **3**
- ▶ Justice with most dissenting opinions: **Justice DeVaney, Kern, and Jensen (1)**

### COURT CONTENTION

#### Opinion partners/dissenting minority

In 2020, two cases before the South Dakota Supreme Court were decided by split decision. Justices Jensen and Salter were opinion partners in one of those two cases, and they concurred in part and dissented in part together in two decisions as well. In our *Ballotpedia Courts: State Partisanship* study, Justices Jensen and Salter recorded Mild Republican Confidence Scores.

#### Determining majority

There was no consistent determining majority in the cases decided by split

decision before the South Dakota Supreme Court. Justice Gilbertson was the only justice in the majority in both decisions. In our *Ballotpedia Courts: State Partisanship* study, Justice Gilbertson recorded a Mild Republican Confidence Score.

### **Lone dissenter**

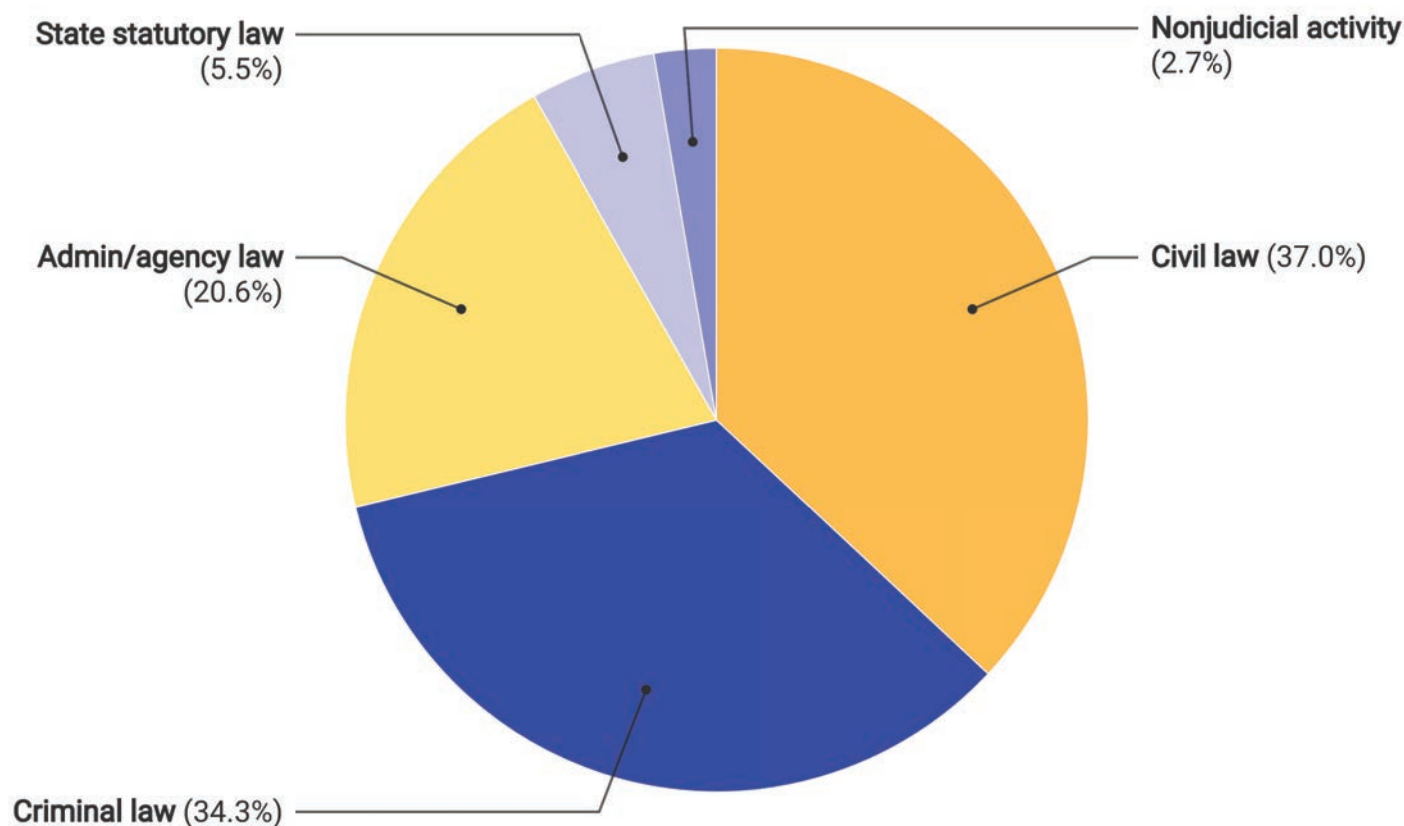
There was a lone dissenter in one case before the South Dakota Supreme Court in 2020. In that case, Justice Kern was the lone dissenter. In our *Ballotpedia Courts: State Partisanship* study, Kern recorded a Mild Republican Confidence Score.

### **COURT JURISDICTION**

The court hears appeals of decisions rendered by lower courts in the state. The court also has authority over some original matters, and it can be called on to advise the state's governor regarding executive powers.

The South Dakota Supreme Court is also responsible for administering the South Dakota Unified Judicial System. This system was created in 1975 through an amendment to the South Dakota Constitution. The court is responsible for developing a budget for the entire state court system and for supervising the work of the state's circuit (trial) courts. The court also makes rules covering practices and procedures of the state's court system, how the courts are administered, the terms of court, bar admissions, and attorney discipline questions.

## Case types decided by South Dakota Supreme Court, 2020



**BALLOT**PEDIA

The most common cases heard by the South Dakota Supreme Court in 2020 were civil law cases. Of the 73 cases it heard, 27 were civil law cases, or 37.0 percent of its total caseload for the year. A civil case is one that involves a dispute between two parties, one of whom seeks reparations or damages.

The second most common cases that reached the supreme court were criminal law cases. A criminal case involves a final criminal appeal before the court of last resort. The South Dakota Supreme Court heard 25 criminal law cases in 2020, or 34.2 percent of its total caseload for the year.

The third most common cases that reached the court were administrative law cases. An administrative law case first proceeds from an administrative law court or involves the enforcement of an administrative regulation. The South Dakota Supreme Court heard 15 administrative law cases in 2020, or 20.5 percent of its total caseload for the year.